<u>REMARKS</u>

The present application was filed on October 31, 2000 with claims 1-27. In the outstanding Office Action dated February 4, 2004, the Examiner: (i) objected to the Abstract and specification; (ii) rejected claims 5, 14 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite; and (iii) rejected claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,112,203 to Bharat et al. (hereinafter "Bharat").

In this response, Applicants: (i) amend the Abstract and the specification; (ii) amend claims 5, 14 and 23; and (iii) traverse the §103(a) rejection for at least the following reasons.

Regarding the objection to the Abstract and the specification, Applicants have amended the same consistent with the Examiner's suggestions. Accordingly, withdrawal of the objections is respectfully requested.

Regarding the §112, second paragraph, rejection of claims 5, 14 and 23, Applicants have amended the claims to provide a comparative basis. Accordingly, withdrawal of the §112 rejection is respectfully requested.

Regarding the §103 rejection of claims 1-27 based on Bharat, Applicants respectfully assert that Bharat fails to teach or suggest all of the limitations of claims 1-27 and that there is no motivation to modify Bharat in the manner asserted in the Office Action.

The present invention, for example, as recited in independent claim 1, provides a computer-based method of performing document retrieval in accordance with an information network. The method comprises the steps of retrieving one or more documents from the information network that satisfy a user-defined predicate, collecting statistical information about the one or more retrieved documents as the one or more retrieved documents are analyzed, and using the collected statistical information to automatically determine further document retrieval operations. Independent claims 10 and 19 recite similar limitations.

As illustratively explained in the present specification at page 3, lines 2-9:

The present invention provides methods and apparatus for performing <u>intelligent</u> <u>crawling</u>. Particularly, the intelligent crawling techniques of the invention provide a crawler mechanism which is capable of learning as it crawls in order to focus the search for documents on the information network being explored, e.g., world wide web. This crawler

mechanism stores information about the crawled documents as it retrieves the documents, and then uses the information to further focus its search appropriately. The inventive techniques result in the crawling of a small percentage of the documents on the world wide web. (Underlining added for emphasis)

In contrast, Bharat discloses a method for <u>ranking documents</u> in a hyperlinked environment using connectivity and content analysis (see Abstract of Bharat). That is, Bharat does not disclose an intelligent crawling technique that is able to further focus its search appropriately.

More particularly, Bharat does not disclose the step of "collecting statistical information about the one or more retrieved documents as the one or more retrieved documents are analyzed," as in the claimed invention. While Bharat does disclose content analysis, it does not appear that any "statistical information" is being collected in the Bharat document ranking technique.

Further, the Office Action expressly acknowledges, at page 4, that Bharat does not disclose the step of "using the collected statistical information to automatically determine further document retrieval operations," as in the claimed invention. However, the Office Action suggests that it would have been obvious to modify Bharat to include such a step.

Applicants submit that it is the step of "using the collected statistical information to automatically determine further document retrieval operations," that even more particularly distinguishes the document ranking technique from the intelligent crawling technique of the claimed invention. That is, Bharat merely prunes a "start set" in order to determine a best ranking to be presented to a user. As explained in Bharat, the start set is a set of data objects derived from a response to a search engine query, see, e.g., column 4, lines 49-52. That is, once the start set is retrieved, Bharat merely processes the retrieved set of objects so as to rank the retrieved objects in a manner that will be most helpful to the user. However, because Bharat has nothing to do with an intelligent crawling technique, it does not teach or suggest the step of "using the collected statistical information to <u>automatically determine further document retrieval operations</u>," as in the claimed invention. Bharat merely uses its analysis to rank the already-retrieved results and not to automatically determine further document retrieval operations.

Thus, despite the Examiner's contention, there is nothing in Bharat that would provide motivation to modify the document ranking techniques of Bharat to yield an intelligent crawling

technique of the invention. More particularly, Applicants assert that there is no motivation to modify Bharat to use collected statistical information to automatically determine further document retrieval operations since Bharat only deals with ranking already-retrieved documents.

Furthermore, the Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority." Id. at 1343-1344.

In the present Office Action at pages 4 and 5, the Examiner provides the following statements to prove motivation to modify Bharat, with emphasis supplied: "[t]he skilled artisan would be motivated to use the collected statistical information based on this teaching because the invention relates generally to . . . ranking retrieved documents based on content and because a good ranking process will return 'useful' pages."

Applicants submit that these statements are based on the type of "subjective belief and unknown authority" that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed modification to Bharat. Again, the Office Action suggests that the process of ranking already-retrieved documents provides motivation for the conclusion that Bharat could be modified to use collected statistical information to automatically determine further document retrieval operations. However, this is clearly not a reasonable conclusion based on the disparate purposes that Bharat and the claimed invention serve.
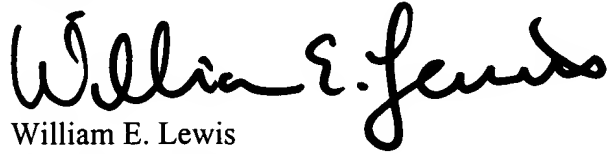
For at least the above reasons, Applicants respectfully assert that independent claims 1, 10 and 19 are patentable over Bharat.

The remainder of the claims (namely, claims 2-9, 11-18 and 20-27) rejected over Bharat depend, either directly or indirectly, from claims 1, 10 or 19, which are believed patentable for the

reasons set forth above. Furthermore, the remaining claims define additional patentable subject matter in their own right.

In view of the above, Applicants believe that claims 1-27 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

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